

## REMARKS

Claims 1 – 11, 13 and 15 – 24 are in the application. Claim 23 is currently amended; claims 1, 16, 18 – 22, and 24 were previously presented; claims 12 and 14 have been canceled; and claims 2 – 11, 13, 15, and 17 remain unchanged from the original versions thereof. Claims 1, 18, 23, and 24 are the independent claims herein.

No new matter has been added to the application as a result of the amendments submitted herewith.

Reconsideration and further examination are respectfully requested.

### **Claim Rejections – 35 USC § 112**

Claims 1, 18, 23, and 24 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action stated that it is not clear to the Examiner that the received request is a plurality of requests since the claims 1, 18, 23, and 24 appear to refer to a singular request. The Office Action required corrective action regarding these claims. This rejection is traversed.

Applicant respectfully submits that it is not seen as necessary why, for any reason, the Office is requiring the claimed “received request” be amended to refer specifically to a *plurality* of requests. The Office Action admits, “[A]s currently written, Claims 1, 18 and 23-24 appear to refer to said request as singular.” However, the Office does not explain why the recitation of the received request is unclear or otherwise needs to be amended to specifically refer to a plurality of received requests.

Accordingly, it is respectfully submitted that claims 1, 18, 23, and 24 are patentable under 35 USC 112, second paragraph 35 USC 101. The reconsideration and withdrawal of the rejection of claims 1, 18, 23, and 24 are requested, and the allowance of same is kindly requested.

Applicant respectfully requests further clarification of the rejection should the Office maintain the rejection of claims 1, 18, 23, and 24 under 35 USC 112, second paragraph.

**Claim Rejections – 35 USC § 101**

Claims 23 and 24 were rejected under 35 U.S.C. 101 for allegedly being directed to non-statutory subject matter. In particular, the Office stated that claims 23 and 24 “recite a computer program product that includes a computer readable medium which appears to cover both transitory and non-transitory embodiments. This rejection is traversed.

First, it is noted that claim 24 is related to a system comprising, inter alia, a processor, a communication port coupled to the processor, and a storage device coupled to the processor and storing instructions adapted to be executed by the processor. Thus, it is submitted that claim 24 is in fact directed to a system, not the alleged computer readable medium. Accordingly, it is respectfully submitted that the rejection of claim 24 under 35 USC 101 is improper.

Applicant submits that the Office Action is not agreed with regarding claim 23 is not patentable subject matter under 35 USC 101. However, in an effort to advance prosecution of the present patent application, claim 23 is currently amended to recite a “non-transitory computer readable medium”.

Therefore, it is respectfully submitted that claims 23 and 24 are both directed to patentable subject matter under 35 USC 101. The reconsideration and withdrawal of the rejection of claims 23 and 24 under 35 USC 101 are requested, as well as the allowance of same

**Claim Rejections – 35 USC § 103**

Claims 1 – 11, 13, and 15 – 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis, U.S. Publication No. 2003/0110212 A1 in view of Hashimoto et al., U.S. Patent No. 6,397,282 B1. This rejection is traversed.

Claim 1 relates to receiving a request from an application to provide an outgoing message to a destination address, the request including data indicative of a message, the destination address, and an outgoing message type, wherein the data indicative of a message, the destination address, and the outgoing message type are not all received in the same request at a same time; converting the message to the outgoing message in a format compatible with the outgoing message type, the outgoing message format being a different format than the message; sending the outgoing message to the destination address; and providing, in reply to the request, a response to the application indicative of a success of the sending of the outgoing message to the destination address. Thus, it is clear that the claimed data indicative of a message, the destination address, and the outgoing message type are not all received in the same request at a same time.

Applicant notes the Office cites and relies upon Lewis for allegedly disclosing the claimed aspect of, "receiving a request from an application to provide an outgoing message to a destination address, the request including data indicative of a message, the destination address, and an outgoing message type", however the rejection is silent regarding, in particular, the claimed request from an application including data indicative of an outgoing message type. It is noted that the Final Office Action does cite Lewis, paragraph [0107], but Lewis in fact fails to disclose or suggest receiving a request from an application to provide an outgoing message where the request includes the outgoing message type. Instead, Lewis discloses,

[0107] The messaging interface 210 communicates with the processor 220. Regarding messages incoming from the messaging interface 210, the processor 220 operates to translate messages between the

messaging element 205 format or protocol and the common format utilized on the network transport bus 125. In addition, the processor 220 generates routing requests to a router, generally a RAVE 130. In order to generate a routing request, the processor 220 may, for example, parse the incoming message from the message interface 210 to retrieve an originating address and a destination address from the incoming message. The routing request generated by processor 220 may include the origination address, destination address, and a unique transaction identification that identifies the message. The processor 220 receives a routing response via the network transport bus interface 230 that contains routing information for the received message. Based on that routing response, the processor 220 operates to route messages received from the messaging interface 210 to an appropriate destination. (emphasis added)

Since paragraph [0107] is the portion of Lewis noted for allegedly disclosing the claimed aspect of the request to provide an outgoing message includes the outgoing message type, it is clear that Lewis fails to disclose or even suggest this aspect of the claims.

Furthermore, Lewis translates messages to "the common format utilized by the network transfer bus". As such, there is no need or reason for Lewis to even be notified of the outgoing message type in an incoming message since all messages are translated to a common message type, as specifically stated by Lewis. Lewis is contrary to the pending claims where the message is converted into a format compatible with the received and specified outgoing message type.

In reply to the "Response to Arguments" included in the OA dated March 3, 2010, it is respectfully noted that the Office further cites Lewis, paragraph [0004] in an effort to substantiate the argument that Lewis, as modified by Hasimoto discloses the claimed aspect of the request received from an application including data indicative of an outgoing message type. However, Lewis at paragraph [0004] (i.e., the "Background" of the Lewis disclosure) merely states the *problem* of a customer not being permitted to query a status of a message based on a unique identifier. Further, a typical messaging infrastructure does not allow a customer to create a password protected distribution list of request a specific type of message notification". However, there is no disclosure in

Lewis of the claimed aspect of the request received from an application including data indicative of an outgoing message type.

Regarding the Office's acknowledgement that Lewis does not disclose that the claimed aspect of the request "data indicative of a message, the destination address, and the outgoing message type are not all received in the same request at a same time", the Office cites and relies upon Hashimoto. In an effort to address the arguments in the "Response to Arguments" included in the OA dated March 3, 2010, it is respectfully noted that the Office equates Hashimoto's disclosure of a timing unit to control the timing of message requests to the claimed aspect of "data indicative of a message, the destination address, and the outgoing message type are all received in the same request at the same time". However, the fact that Lewis includes a determining unit to control the timing of message requests does not teach the message or parts of the message arrive at different times.

Again, Lewis fails to disclose or suggest this aspect of the claims for which it is cited and relied upon for disclosing. Despite the Office's final rejection and arguments, Hashimoto actually discloses,

To address the above-mentioned problem, a communication controller of an embodiment of the invention comprises a storage for storing the data of the message being received, a determining unit for determining types of message being received, and a transmission controller for generating interruption requests at different timing for transferring data to the data processor responsive to the determining unit.

According to an embodiment of the present invention, interruption requests to transfer data are generated at different timing according to the types of the message. That is, for instance, an interruption request is generated immediately for the message of the type which requires urgency. An interruption request is generated by another criteria relative to a message which is not urgent. Therefore, data which requires urgency is transferred to a data processor speedily without interrupting the data processor too frequently. Thus, an efficient system operation is achieved.

In accordance with one aspect of the invention, in a computer system having a data processor and a communication controller that controls data reception to the data processor, the communication controller comprises a

storage for storing data of a received message, a determining unit for determining whether the received message requires immediate processing or not, and a transmission controller for generating an interruption request to transfer data stored in the storage in response to a determination by the determining unit that the message received requires immediate processing, wherein when interruption takes place, data in the storage, which have been stored by that time and are yet to be transferred, are transferred to the data processor. (emphasis added)

Therefore, based on the explicit disclosure of Hashimoto, it is clear that Hashimoto relates to the “transfer” of data that has been previously stored and not yet transferred. Interruption requests to transfer the stored data are generated at different times according to the type of message. In this manner, Hashimoto transfers complete messages at different rates depending on the urgency of the message as indicated by the type of message being transferred. Hashimoto does not disclose the transfer of different associated message components at different times.

Applicant respectfully submits that the present application relates to “converting the message to the outgoing message in a format compatible with the outgoing message type, the outgoing message format being a different format than the message” and “the destination address, and the outgoing message type are not all received in the same request at a same time” . (emphasis added) The claimed converting of a message to a format compatible with the received outgoing message type is not the same as Hashimoto’s transferring of messages at different rates (i.e., urgency) based on the type of the message. Additionally, the Hashimoto’s “transfer” of messages at different rates based on the urgency of the message as indicated by the message type is not the same as or equivalent to the claimed aspect of not receiving the message, the destination address, and the outgoing message received in the same request at a same time. The transfer of previously stored messages is not the same as the receiving of different portions of a request at different times. Therefore, Hashimoto fails to disclose that which is claimed by Applicant.

Furthermore, Applicant respectfully submits that the combination of Lewis and Hashimoto fails to disclose or even suggest the pending claims since the Lewis/Hashimoto combination fails to compensate for the lack of required disclosure in

each of the cited and relied upon references. That is, the combination of Lewis and Hashimoto fails to disclose or even suggest the claimed aspect of the request to provide an outgoing message includes the outgoing message type and the claimed aspect of data indicative of a message, the destination address, and the outgoing message type are not all received in the same request at a same time”.

Accordingly, Applicant respectfully submits claim 1 is not rendered obvious by Lewis and Hashimoto, the Office has not made out a *prima facie* case of obviousness under 35 U.S.C. § 103, and the rejection of claim 1 should be reversed. The remaining claims 2 – 11, 13, and 15 – 24 depend from claim 1 (or contain similar limitations) and should therefore be allowable for at least the same reasons.

## CONCLUSION

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-5985.

Respectfully submitted,

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Date

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